IN THE HIGH COURT OF SINDH CIRCUIT, COURT MIRPURKHAS

C.P. No.D-618 of 2026

Before:

JUSTICE ZULFIQAR ALI SANGI
JUSTICE NISAR AHMED BHANBHRO

Petitioner:	Ali Asghar son of Ali Akbar Through Mr. Kanji Mal Meghwar, advocate.
Respondents:	Province of Sindh & 04 others, Through Mr. Muhammad Shareef Solangi, A.A.G Sindh a/w DSP Jhudo & Inspector Heman Das Incharge Legal Cell, SSP Office, Mirpurkhas.
Respondent No.5	Through Syed Danish Riza Assistant Director Admin Sukkur IBA, Mirpurkhas Campus.
Date of hearing:	12.11.2026.
Date of decision:	12.11.2026.

O R D E R

ZULFIQAR ALI SANGI, J. Through the instant Constitution Petition, the petitioner has called in question the legality and propriety of the assessment made by the respondents in the recruitment process for the post of Police Constable (BPS-07), whereby he was awarded zero (0) marks in the interview and, consequently, excluded from the final merit list. The petitioner seeks, inter alia, a declaration that the award of zero marks is arbitrary, discriminatory, mala fide and without lawful authority; a further declaration that the introduction of an essay-writing component and passing criteria through internal correspondence, without disclosure in the recruitment advertisement or prior notice to the candidates, is unlawful and unconstitutional. He has also sought production of the complete recruitment record, including interview evaluation sheets, individual assessment of the members of the interview panel, essay-writing assessment, final merit calculations and proceedings of the Selection Committee. In addition, thereto, the petitioner seeks reassessment of his interview through an independent committee or, alternatively, preparation of a fresh merit list

and appointment against the post in question, if found eligible and falling within the zone of selection, together with all consequential service benefits.

2. After issuance of notice, the respondents entered appearance and filed their comments, controverting the assertions made in the petition. Learned counsel for the petitioner contended that the award of zero marks in the interview, without any plausible justification or disclosure of the basis of assessment, demonstrates arbitrariness and lack of transparency in the selection process. It was further argued that the introduction of an essay-writing component and an undisclosed passing criterion, through internal correspondence, has adversely affected the petitioner's right to be considered for appointment on an equal footing with other candidates. According to learned counsel, the impugned assessment is contrary to the constitutional guarantees of equality before law and equal protection of law and, therefore, warrants interference by this Court in exercise of its constitutional jurisdiction.

3. Conversely, learned A.A.G. opposed the petition and submitted that the recruitment process was conducted in accordance with the prescribed procedure and that the petitioner, having failed to secure qualifying marks in the interview, was rightly excluded from the final merit list. It was contended that the award of zero marks reflects the petitioner's failure to satisfy the requisite standard of assessment and does not, by itself, establish any illegality, discrimination or mala fide on the part of the respondents. Learned A.A.G. placed reliance upon the judgment of the Honourable Supreme Court of Pakistan in ***Waheed Gul Khan and another v. Province of Sindh and others, (2024 SCMR 1701)***, and submitted that mere participation in, or qualification at, an interview does not confer upon a candidate any vested or indefeasible right to appointment against a particular post.

4. We have heard learned counsel for the parties and examined the material available on record with their able assistance. The controversy, in essence, revolves around the

legality of the interview assessment, particularly the award of zero marks to the petitioner, and whether such assessment, in the facts and circumstances of the case, discloses any violation of the constitutional or statutory obligations governing public recruitment.

5. It is an established principle of law that appointments to public offices must be made in accordance with law, through a fair, transparent and non-discriminatory process. The State and its functionaries, while undertaking recruitment against public posts, are under an obligation to act fairly, objectively and in conformity with the applicable recruitment rules and the constitutional guarantees embodied in Articles 4, 25 and 27 of the Constitution. No candidate can be subjected to arbitrary treatment, nor can the recruitment process be manipulated to favour or disadvantage any particular individual. At the same time, the constitutional guarantee of equal opportunity does not confer upon every applicant an absolute right to appointment; rather, it secures a right to fair consideration in accordance with the prescribed criteria and applicable law. It is equally well settled that the scope of judicial review in matters relating to recruitment and selection is not equivalent to an appellate examination of the assessment made by a duly constituted selection authority. The Court, in exercise of its constitutional jurisdiction, does not ordinarily substitute its own assessment or opinion for that of the competent selection committee, particularly where the matter involves evaluation of a candidate's suitability, aptitude, competence, personality and overall performance during an interview. Interference is, however, warranted where the selection process is shown to have been vitiated by mala fides, patent illegality, procedural irregularity, discrimination, extraneous considerations or a demonstrable departure from the prescribed recruitment criteria. Mere dissatisfaction with the outcome of an interview, without establishing any such legal infirmity, is not sufficient to invite constitutional intervention.

6. So far as the petitioner's grievance regarding the award of zero marks is concerned, the record reflects that the

interview process was announced on 27.03.2025 and the petitioner was assessed therein, whereupon he was awarded no marks. The mere fact that a candidate has been awarded zero marks does not, in isolation, furnish conclusive proof of arbitrariness, discrimination or mala fide. Equally, however, the award of zero marks cannot be treated as immune from judicial scrutiny merely because it emanates from an interview panel. The legality of such assessment must be examined in the context of the applicable recruitment criteria, the prescribed method of evaluation and the material available on record.

7. In the present case, the petitioner has not been able to place before this Court any tangible or convincing material demonstrating that the members of the interview panel acted with a predetermined intention, entertained any extraneous consideration, adopted a discriminatory approach or deliberately departed from the prescribed assessment procedure to exclude him from consideration. No specific instance of preferential treatment extended to any other similarly placed candidate, or of any deviation from the applicable criteria in the petitioner's case, has been substantiated through reliable material. A general allegation of arbitrariness, unsupported by particulars or cogent evidence, cannot form the basis for setting aside an otherwise completed recruitment process. The burden of establishing the alleged infringement rests upon the person who asserts it, and such burden cannot be discharged merely by expressing dissatisfaction with the marks awarded by the competent selection authority.

8. The petitioner's further objection regarding the introduction of an essay-writing component and the passing criteria through internal correspondence also requires consideration. It is a fundamental requirement of a lawful recruitment process that the eligibility conditions, prescribed standards and essential assessment criteria must be determined in advance and applied uniformly to all candidates. Any material alteration of the selection criteria after commencement of the recruitment process, particularly where it adversely affects the candidates, may offend the

principles of fairness, transparency and legitimate expectation. However, in the present matter, the petitioner has not produced sufficient material to establish that the respondents introduced or applied any new criterion after commencement of the recruitment process, or that any such criterion was selectively applied against him. Nor has it been demonstrated that the alleged essay-writing component was the sole or decisive factor resulting in the award of zero marks in his interview. In the absence of such foundational material, no declaration of constitutional invalidity can be granted on the basis of an unsubstantiated assertion.

9. It is pertinent to observe that Article 25 of the Constitution guarantees equality before law and equal protection of law, while Article 27 protects citizens against discrimination in matters relating to appointment in the service of Pakistan on the grounds specified therein. These constitutional provisions undoubtedly require public authorities to maintain fairness and equality in recruitment. Nevertheless, the invocation of these provisions must be supported by material showing that the petitioner was subjected to unequal treatment or that the respondents acted contrary to the governing legal framework. A candidate's failure to secure the requisite assessment, by itself, does not establish a violation of the aforesaid constitutional guarantees. Likewise, Article 4 of the Constitution requires that every person be dealt with in accordance with law; it does not entitle a candidate to insist upon appointment merely because he participated in the selection process.

10. The reliance placed by learned Additional Advocate General (A.A.G.) upon the judgment of the Honourable Supreme Court in ***Waheed Gul Khan and another v. Province of Sindh and others (2024 SCMR 1701)*** is well-founded and directly relevant to the controversy involved in the present petition. In the said judgment, the Honourable Supreme Court, while examining whether mere qualification in the written examination and being called for an interview confers any vested or enforceable right to appointment, held that mere qualifying for an interview does not create any

vested right in favour of a candidate for appointment to a particular post. The Honourable Supreme Court, while relying upon its earlier judgment in ***Secretary Finance and others v. Ghulam Safdar (2005 SCMR 534)***, reiterated that mere success in the written examination or interview does not, by itself, vest a candidate with any fundamental or legally enforceable right capable of enforcement through the constitutional jurisdiction of the High Court, particularly in the absence of an offer of appointment. The aforesaid dictum thus reaffirms the settled principle that participation in the recruitment process, qualification in an intermediate stage of selection or being shortlisted for an interview does not create an indefeasible right to appointment; rather, a candidate is merely entitled to consideration in accordance with the applicable recruitment rules and prescribed procedure, and cannot claim appointment as a matter of right unless an enforceable legal or constitutional right has accrued in his favour.

11. It is further observed that the constitutional jurisdiction of this Court is intended to ensure that public authorities remain within the bounds of law and discharge their statutory and constitutional obligations fairly. Such jurisdiction, however, is not meant to convert the Court into an examining body or a selection committee, nor does it empower the Court to undertake a fresh evaluation of a candidate's performance in an interview in the absence of established illegality. A direction for reassessment or re-conduct of an interview cannot be issued as a matter of course, particularly when no mala fide, procedural impropriety or material departure from the prescribed criteria has been demonstrated. Similarly, preparation of a fresh merit list or a direction for appointment with retrospective seniority and other service benefits would necessarily depend upon the establishment of a legal right to such relief, which the petitioner has failed to demonstrate.

12. For the foregoing reasons, we are of the considered view that the petitioner has failed to establish that the impugned assessment was actuated by mala fides, founded upon extraneous considerations, discriminatory in nature or

otherwise contrary to the applicable recruitment criteria. No sufficient legal or factual basis has been brought on record to warrant interference with the assessment made by the competent selection authority. The reliefs sought by the petitioner, including reassessment of his interview, preparation of a fresh merit list and consequential appointment, therefore, cannot be granted in the absence of proof of any actionable illegality.

13. Consequently, the instant Constitution Petition, being devoid of merit, is **dismissed**.

JUDGE

JUDGE